

gations were incurred in providing such goods and services.

(Pub. L. 101-301, § 10, May 24, 1990, 104 Stat. 211.)

**§ 15. Utility facilities used in administration of Bureau; contracts for sale, operation, maintenance, repair or relocation of facilities; terms and conditions; exception; Congressional approval**

Except for electric utility systems constructed and operated as a part of an irrigation system, the Secretary of the Interior is authorized to contract under such terms and conditions as he considers to be in the best interest of the Federal Government for the sale, operation, maintenance, repairs, or relocation of Government-owned utilities and utility systems and appurtenances used in the administration of the Bureau of Indian Affairs. The Secretary shall not execute a contract pursuant to this section until he has submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a copy of the contract and a statement of his reasons for proposing the contract, and until such materials have lain before the Committees for sixty days (excluding the time during which either House is in recess for more than three days) unless prior thereto the Secretary is notified that neither committee has any objection to the proposed contract.

(Pub. L. 87-279, Sept. 22, 1961, 75 Stat. 577; Pub. L. 103-437, § 10(a), Nov. 2, 1994, 108 Stat. 4588.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the Senate and the House of Representatives”.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 16. Transportation of Indians in Bureau vehicles**

On and after October 12, 1984, passenger carrying motor vehicles of the Bureau of Indian Affairs may be used for the transportation of Indians.

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1850.)

**§ 17. Use of Bureau facilities**

**(a) In general**

The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The

amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.

**(b) Scope of authority**

The authority provided by this section is in addition to, and not in derogation of, any other authority available to the Secretary of the Interior.

**(c) Limitation of liability**

The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.

(Pub. L. 100-297, title V, § 5405, Apr. 28, 1988, 102 Stat. 417; Pub. L. 100-427, § 25, Sept. 9, 1988, 102 Stat. 1613.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-427, § 25(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of the Interior may permit tribal, student, and other non-Federal organizations to use facilities, lands, and equipment administered by the Bureau of Indian Affairs if such use does not interfere with the purpose for which the facilities, land, and equipment are administered by the Bureau. The Secretary of the Interior may charge the user for the actual or estimated additional cost of utilities or other expenses incurred because of the use and the amounts collected shall be credited to the appropriation or fund from which the expenses are paid.”

Subsec. (c). Pub. L. 100-427, § 25(b), added subsec. (c).

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

**CHAPTER 2—OFFICERS OF INDIAN AFFAIRS**

Sec.

- 21 to 24. Repealed or Omitted.
- 25. Superintendent for Five Civilized Tribes.
- 25a. Application of civil service laws.
- 26 to 32. Repealed or Omitted.
- 33. Superintendents in charge of reservations; administration of oath of office.
- 34, 35. Repealed.
- 36. Special agents and other officers to administer oaths.
- 37 to 39. Repealed.
- 40. Limits of superintendencies, agencies, and subagencies.
- 41. Special agents and commissioners.
- 41a. Indian inspectors.
- 42. Repealed.
- 43. Persons paid for other services not paid for interpreting.
- 44. Employment of Indians.
- 45. Preference to Indians qualified for duties.
- 46. Preference to Indians in employment of clerical, mechanical, and other help.
- 47. Employment of Indian labor and purchase of products of Indian industry; participation in Mentor-Protégé Program.
- 47a. Security required by Secretary; contracts with Indian-owned economic enterprise; public work.

- Sec.  
 48. Right of tribes to direct employment of persons engaged for them.  
 49 to 52a. Repealed.  
 53. Disbursing officers; acting clerks.  
 54, 55. Repealed.  
 56. Quarters, fuel, and light for employees.  
 57. Omitted.  
 58. Limitation on number and kind of employment.  
 59. Transfer of funds for payment of employees; details for other service.  
 60. Compensation prescribed to be in full.  
 61. Estimates for personal services in Indian Office.  
 62. Discontinuance and transfer of agencies.  
 63. Consolidation of agencies.  
 64. Services of agents dispensed with.  
 65. Discontinuance of agents, subagents, and interpreters.  
 66. Duties of agency devolved on superintendent of Indian school.  
 67 to 68a. Repealed.

**§§ 21, 22. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 642**

Section 21, R.S. § 2039, related to the Board of Indian Commissioners.

Section 22, act Aug. 24, 1912, ch. 388, § 1, 37 Stat. 521, authorized the Board of Indian Commissioners to employ and pay a secretary.

**§§ 23, 24. Omitted**

CODIFICATION

Section 23, act May 17, 1882, ch. 163, § 1, 22 Stat. 70, related to the powers and duties of the Board of Indian Commissioners, and was omitted as superseded by Ex. Ord. No. 6145 of May 25, 1933, which abolished the Board and transferred its records, property, and personnel to the supervision of the Secretary of the Interior.

Section 24, R.S. § 2042, related to the investigations by a member of the Board of Indian Commissioners, and was omitted as superseded by Ex. Ord. No. 6145 of May 25, 1933.

**§ 25. Superintendent for Five Civilized Tribes**

The offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, are abolished as of September 1, 1914, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a Superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum, and said superintendent shall exercise the authority and perform the duties exercised prior to September 1, 1914, by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

(Aug. 1, 1914, ch. 222, § 17, 38 Stat. 598.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 25a. Application of civil service laws**

The position of Superintendent of the Five Civilized Tribes is included within the competi-

tive classified civil service and shall be subject to civil service laws and rules.

(Mar. 4, 1929, ch. 705, 45 Stat. 1583.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 26. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632**

Section, R.S. § 2052, provided for appointment of Indian Agents by the President.

**§ 27. Omitted**

CODIFICATION

Section, R.S. 2062; acts July 13, 1892, ch. 164, § 1, 27 Stat. 120; July 1, 1898, ch. 545, § 1, 30 Stat. 573, authorized the President to require that military officers perform the duties of Indian agents. The services of Indian agents have been dispensed with since 1908. See section 64 of this title and notes thereunder.

**§§ 28 to 31. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634**

Section 28, R.S. § 2056; act May 17, 1882, ch. 163, § 1, 22 Stat. 87, fixed term of office for Indian Agents.

Section 29, R.S. § 2057, provided for a bond by Indian Agents.

Section 30, R.S. § 2060, prescribed limits of residence of Indian Agents.

Section 31, R.S. § 2058, related to duties of Indian Agents.

**§ 32. Omitted**

CODIFICATION

Section, act July 1, 1898, ch. 545, § 1, 30 Stat. 595, required Indian agents to account for funds received and to be responsible for such funds under their official bonds. The services of Indian agents have been dispensed with since 1908. See section 64 of this title and note set out thereunder.

**§ 33. Superintendents in charge of reservations; administration of oath of office**

Superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are authorized and empowered to administer the oath of office required of employees placed under their jurisdiction.

(June 30, 1913, ch. 4, § 1, 38 Stat. 80.)

CODIFICATION

Section is from the Indian Appropriation Act, 1914.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§§ 34, 35. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 642, 650**

Section 34, acts Aug. 24, 1912, ch. 355, § 8, 37 Stat. 487; June 6, 1939, ch. 185, 53 Stat. 810, authorized the superintendent, acting superintendent, and principal clerks of the different Indian superintendencies or Indian agencies to administer oaths to expense accounts.

Section 35, R.S. §2064, authorized Indian Agents to take acknowledgements of deeds and to administer oaths.

**§ 36. Special agents and other officers to administer oaths**

Each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service, and all such other persons as may be deemed necessary and proper.

(Mar. 1, 1899, ch. 324, §1, 30 Stat. 927.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

**§ 37. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 633, 641**

Section, acts Mar. 3, 1875, ch. 132, §10, 18 Stat. 450; Mar. 3, 1909, ch. 263, 35 Stat. 784, related to keeping of books by Indian agents and penalties for the falsification thereof.

**§ 38. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1028**

Section, R.S. §2061, related to visits to Washington, D.C., by agents in California.

**§ 39. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632**

Section, R.S. §2063, related to compensation for extra services rendered by Indian Agents.

**§ 40. Limits of superintendencies, agencies, and subagencies**

The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

(R.S. §2066.)

CODIFICATION

R.S. §2066 derived from acts June 30, 1834, ch. 162, §7, 4 Stat. 736; Mar. 3, 1847, ch. 66, §1, 9 Stat. 203.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in

the Appendix to Title 5, Government Organization and Employees.

**§ 41. Special agents and commissioners**

All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

(R.S. §2067.)

CODIFICATION

R.S. §2067 derived from act Mar. 3, 1863, ch. 99, §1, 12 Stat. 792.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

**§ 41a. Indian inspectors**

Indian inspectors shall on and after March 4, 1909 be termed inspectors, and shall be included in the classified service.

(Mar. 4, 1909, ch. 297, §1, 35 Stat. 888.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 42. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632**

Section, R.S. §2068, provided for interpreters for Indian agencies under Department of the Interior.

**§ 43. Persons paid for other services not paid for interpreting**

No person employed by the United States and paid for any other service shall be paid for interpreting.

(Apr. 4, 1910, ch. 140, §2, 36 Stat. 272.)

**§ 44. Employment of Indians**

In the Indian Service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian Service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

(Aug. 15, 1894, ch. 290, §10, 28 Stat. 313.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 45. Preference to Indians qualified for duties**

In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

(R.S. § 2069.)

## CODIFICATION

R.S. § 2069 derived from act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 46. Preference to Indians in employment of clerical, mechanical, and other help**

Preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies.

(May 17, 1882, ch. 163, § 6, 22 Stat. 88; July 4, 1884, ch. 180, § 6, 23 Stat. 97.)

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 47. Employment of Indian labor and purchase of products of Indian industry; participation in Mentor-Protégé Program**

So far as may be practicable Indian labor shall be employed, and purchases of the products (including, but not limited to printing, notwithstanding any other law) of Indian industry may be made in open market in the discretion of the Secretary of the Interior. Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

(1) no determination of affiliation or control (either direct or indirect) may be found between a protégé firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protégé firm pursuant to a mentor-protégé agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

(2) the terms “protégé firm” and “mentor firm” have the meaning given such terms in subsection (c) of such section 831.

(June 25, 1910, ch. 431, § 23, 36 Stat. 861; Pub. L. 100-581, title II, § 206, Nov. 1, 1988, 102 Stat. 2940; Pub. L. 103-435, § 14, Nov. 2, 1994, 108 Stat. 4572.)

## REFERENCES IN TEXT

Section 831 of the National Defense Authorization Act for Fiscal Year 1991, referred to in text, is section 831 of Pub. L. 101-510, which is set out as a note under section 2302 of Title 10, Armed Forces.

## CODIFICATION

Section is based on proviso of first sentence of section 23 of act of June 25, 1910. Remainder of first sentence of section 23 was classified to section 93 of this title prior to repeal by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1112.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 30, 1908, ch. 153, 35 Stat. 71, making appropriations for the Indian Department.

## AMENDMENTS

1994—Pub. L. 103-435 inserted at end “Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) or receipt of assistance pursuant to any developmental assistance agreement authorized under such program shall not render Indian labor or Indian industry ineligible to receive any assistance authorized under this section. For the purposes of this section—

“(1) no determination of affiliation or control (either direct or indirect) may be found between a protégé firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protégé firm pursuant to a mentor-protégé agreement any form of developmental assistance described in subsection (f) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note); and

“(2) the terms ‘protégé firm’ and ‘mentor firm’ have the meaning given such terms in subsection (c) of such section 831.”

1988—Pub. L. 100-581 inserted “(including, but not limited to printing, notwithstanding any other law)” after “products”.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 47a. Security required by Secretary; contracts with Indian-owned economic enterprise; public work**

The Secretary, in his discretion, may require security other than bonds required by sections 3131 and 3133 of title 40 when entering into a contract with an Indian-owned economic enterprise pursuant to the provisions of the Act of June 25, 1910 (25 U.S.C. 47), for the construction, alteration, or repair of any public work of the United States: *Provided*, That, the alternative form of security provides the United States with adequate security for performance and payment.

(Pub. L. 98-449, § 11, Oct. 4, 1984, 98 Stat. 1726.)

## CODIFICATION

“Sections 3131 and 3133 of title 40” substituted in text for “the Miller Act (40 U.S.C. 270a)” on authority of

Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**§ 48. Right of tribes to direct employment of persons engaged for them**

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

(R.S. § 2072.)

CODIFICATION

R.S. § 2072 derived from act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 49. Repealed. June 30, 1932, ch. 317, 47 Stat. 421**

Section, act May 25, 1918, ch. 86, § 1, 40 Stat. 565, related to qualifications of farmers.

**§ 50. Repealed. Pub. L. 88-448, title IV, § 402(a)(2), Aug. 19, 1964, 78 Stat. 492**

Section, R.S. § 2074, related to holding of two offices. See section 5533 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first month which begins later than the 90th day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

**§§ 51 to 52a. Repealed. Pub. L. 92-310, title II, § 229(a), (c)(2), (e), June 6, 1972, 86 Stat. 208**

Section 51, R.S. § 2075, empowered President to require additional security from persons charged with disbursement of money or goods.

Section 52, act Apr. 30, 1908, ch. 153, 35 Stat. 71, empowered Secretary of the Interior to require new bonds from disbursing officers.

Section 52a, act Apr. 21, 1904, ch. 1402, 33 Stat. 191, related to special bonds for large per capita payments.

**§ 53. Disbursing officers; acting clerks**

Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 414; Pub. L. 92-310, title II, § 229(f), June 6, 1972, 86 Stat. 209.)

AMENDMENTS

1972—Pub. L. 92-310 struck out provisions which related to official bond of disbursing agent.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Disbursement functions of all Government agencies, except Departments of the Army, Navy, and Air Force and the Panama Canal, transferred to Division of Disbursements, Department of the Treasury, by Ex. Ord. No. 6166, § 4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934. Division subsequently consolidated with other agencies into Fiscal Service in Department of the Treasury by Reorg. Plan No. III of 1940, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

**§§ 54, 55. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634**

Section 54, R.S. § 2077, related to traveling expenses.

Section 55, act May 17, 1882, ch. 163, § 1, 22 Stat. 86, related to expenses of clerks detailed on special duty.

**§ 56. Quarters, fuel, and light for employees**

The Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor: *Provided*, That this authorization shall be retroactive to the extent of approving any expenditures for such purposes authorized by the Secretary of the Interior prior to June 7, 1924.

(June 7, 1924, ch. 328, 43 Stat. 634.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 57. Omitted**

CODIFICATION

Section, act Mar. 3, 1925, ch. 462, 43 Stat. 1147, which authorized the Secretary of the Interior to allow employees in the Indian Service heat and light for quarters without charge, was not repeated in subsequent appropriation acts.

**§ 58. Limitation on number and kind of employment**

The number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed.

(June 7, 1897, ch. 3, 30 Stat. 90.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

## SALARY RESTRICTIONS

Act Apr. 18, 1912, ch. 83, §10, 37 Stat. 88, as amended by act May 25, 1918, ch. 86, §17, 40 Stat. 578, excluded the Osage Agency from the provisions of act June 7, 1897, limiting the amount of money to be expended for salaries of regular employees at any one agency.

Act Feb. 26, 1929, ch. 323, 45 Stat. 1307, which repealed a provision of act Aug. 24, 1912, ch. 388, §1, 37 Stat. 521, imposing a salary limitation of \$15,000 at any one agency and \$20,000 at a consolidated agency, was itself repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 647.

**§ 59. Transfer of funds for payment of employees; details for other service**

When not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1016.)

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 60. Compensation prescribed to be in full**

The several compensations prescribed by title 28 of the Revised Statutes shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

(R.S. §2076.)

## REFERENCES IN TEXT

Title 28 of the Revised Statutes, referred to in text, was in the original "this title", meaning title 28 of the Revised Statutes, consisting of R.S. §§2039 to 2157. For complete classification of R.S. §§2039 to 2157 to the Code, see Tables.

## CODIFICATION

R.S. §2076 derived from act June 30, 1834, ch. 162, §10, 4 Stat. 737.

**§ 61. Estimates for personal services in Indian Office**

Annual estimates in detail shall be submitted for all personal services required in the Indian Office, and it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation Acts, except temporary details of field employees for service connected solely with their respective employments.

(Aug. 23, 1912, ch. 350, §1, 37 Stat. 396.)

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 62. Discontinuance and transfer of agencies**

The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

(R.S. §2059.)

## CODIFICATION

R.S. §2059 derived from act June 30, 1834, ch. 162, §4, 4 Stat. 735.

## DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

**§ 63. Consolidation of agencies**

The President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by Executive order he may, with the consent of the tribes to be affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary.

(May 17, 1882, ch. 163, §6, 22 Stat. 88; July 4, 1884, ch. 180, §6, 23 Stat. 97.)

## DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

**§ 64. Services of agents dispensed with**

It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

(R.S. §2053; June 22, 1874, ch. 389, §1, 18 Stat. 147; Mar. 3, 1875, ch. 132, §1, 18 Stat. 421.)

## CODIFICATION

R.S. §2053 derived from act Feb. 14, 1873, ch. 138, §1, 17 Stat. 437.

## INDIAN AGENTS

In a communication, dated November 29, 1940, from the Office of Indian Affairs of the Department of the Interior, it was stated that there have been no Indian agents since 1908, all of the agencies and schools having been placed under the supervision of superintendents.

**§ 65. Discontinuance of agents, subagents, and interpreters**

The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such agents, subagents, interpreters, and mechanics as may from time to time become unnecessary, in consequence of the emigration of the Indians, or other causes.

(R.S. §2073; Feb. 27, 1877, ch. 69, §1, 19 Stat. 244.)

## CODIFICATION

R.S. § 2073 derived from act July 9, 1832, ch. 174, § 5, 4 Stat. 564.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

## INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

### § 66. Duties of agency devolved on superintendent of Indian school

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency.

The pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding \$300 per annum.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1020; Pub. L. 92-310, title II, § 229(d), June 6, 1972, 86 Stat. 208.)

## AMENDMENTS

1972—Pub. L. 92-310 struck out provisions which required the superintendent of the Indian school to give a bond as other Indian agents.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

### § 67. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 636

Section, act Mar. 3, 1893, ch. 209, §1, 27 Stat. 614, provided that the superintendent of the training school at Cherokee Agency was to act as an agent.

### §§ 68, 68a. Repealed. Pub. L. 96-277, § 2, June 17, 1980, 94 Stat. 545

Section 68, R.S. § 2078, prohibited employees in Indian affairs from trading with Indians and made offenders liable to a penalty of \$5,000 and removal from office.

Section 68a, act June 19, 1939, ch. 210, 53 Stat. 840, authorized Federal employees, including Indian Service employees, under rules and regulations of Secretary of the Interior to purchase from Indians and Indian organizations arts and crafts, or other products, services, or commodities, produced, rendered, owned, controlled, or furnished by Indians or Indian organizations, but prohibited employee purchases for purpose of engaging directly or indirectly in commercial selling, reselling, trading, or bartering of such purchases.

## EFFECTIVE DATE OF REPEAL

Section 4 of Pub. L. 96-277 provided that: "The provisions of this Act [amending former section 437 of Title

18, Crimes and Criminal Procedure, repealing sections 68, 68a, 87a, and 441 of this title, and enacting provisions formerly set out as a note under section 437 of Title 18] shall take effect sixty days after the date of enactment of this Act [June 17, 1980]."

## CHAPTER 2A—INDIAN CLAIMS COMMISSION

## CLAIMS ACCRUING AFTER AUGUST 13, 1946

This chapter related only to claims accruing before Aug. 13, 1946. For jurisdiction of Indian claims against the United States accruing after that date, see section 1505 of Title 28, Judiciary and Judicial Procedure.

## §§ 70 to 70n-2. Omitted

## CODIFICATION

The Indian Claims Commission terminated on Sept. 30, 1978, pursuant to section 70v of this title.

Section 70, act Aug. 13, 1946, ch. 959, §1, 60 Stat. 1049, established Indian Claims Commission.

Section 70a, acts Aug. 13, 1946, ch. 959, §2, 60 Stat. 1050; Oct. 27, 1974, Pub. L. 93-494, §2, 88 Stat. 1499, related to jurisdiction of claims considered by Commission.

Section 70b, acts Aug. 13, 1946, ch. 959, §3, 60 Stat. 1050; Apr. 10, 1967, Pub. L. 90-9, §§2, 3, 81 Stat. 11; Oct. 12, 1978, Pub. L. 95-453, 92 Stat. 1110, related to members of Commission.

Section 70c, act Aug. 13, 1946, ch. 959, §4, 60 Stat. 1051, related to staff and oath of Commission.

Section 70d, act Aug. 13, 1946, ch. 959, §5, 60 Stat. 1051, related to principal office of Commission.

Section 70e, acts Aug. 13, 1946, ch. 959, §6, 60 Stat. 1051; Apr. 10, 1967, Pub. L. 90-9, §4, 81 Stat. 11; Mar. 30, 1972, Pub. L. 92-265, §5, 86 Stat. 115, related to itemized vouchers and authorized appropriations for Commission.

Section 70f, act Aug. 13, 1946, ch. 959, §7, 60 Stat. 1051, related to time of meetings of Commission.

Section 70g, act Aug. 13, 1946, ch. 959, §8, 60 Stat. 1051, related to record of proceedings and public inspection of records of Commission.

Section 70h, act Aug. 13, 1946, ch. 959, §9, 60 Stat. 1051, related to control of procedure of Commission.

Section 70i, act Aug. 13, 1946, ch. 959, §10, 60 Stat. 1052, related to presentation of claims before Commission.

Section 70j, act Aug. 13, 1946, ch. 959, §11, 60 Stat. 1052, related to forbidden transfer of suits in Court of Claims under prior Acts and offsets and counterclaims before Commission.

Section 70k, act Aug. 13, 1946, ch. 959, §12, 60 Stat. 1052, related to limitation of time for presenting claims before Commission.

Section 70l, act Aug. 13, 1946, ch. 959, §13, 60 Stat. 1052, related to notice to tribes, investigation of claims, and availability of data by Commission.

Section 70m, act Aug. 13, 1946, ch. 959, §14, 60 Stat. 1052, related to information from governmental departments and official records as evidence before Commission.

Section 70n, act Aug. 13, 1946, ch. 959, §15, 60 Stat. 1053, related to attorneys of claimants and representation of United States by Attorney General before Commission.

Section 70n-1, Pub. L. 88-168, §1, Nov. 4, 1963, 77 Stat. 301; Pub. L. 89-592, Sept. 19, 1966, 80 Stat. 814; Pub. L. 93-37, §2, May 24, 1973, 87 Stat. 73, related to revolving fund for expert assistance for preparation and trial of claims before Commission.

Section 70n-2, Pub. L. 88-168, §2, Nov. 4, 1963, 77 Stat. 301, related to inability of applicants to pay for assistance required and denial of loans in cases of unreasonable fees.

## INDIAN SELF-DETERMINATION CONFLICT OF INTEREST REQUIREMENT INAPPLICABLE TO COMMISSIONER NOT IN OFFICE

Section 1 of Pub. L. 95-453 provided in part that section 105(j) of the Indian Self-Determination Act (sec-